revenue authorities actually take charge of them or do they continue to be in charge of the *hiduvalidars*?

Mr. B. T. KESAVAIENGAR.—Whoever may take charge, the lands will be there and anybody may cultivate them. And if the cultivation is unauthorized, *takrar taktes* are filed.

Mr. HONNASIDDIAH.—And in such cases, who collects the assessment?

Mr. B. T. KESAVAIENGAR.—The village officers under the orders of the local revenue authority.

Mr. HONNASIDDIAH.—Are they paid any special remuneration for collecting the fines, etc., in addition to the normal revenue demand?

Mr. B. T. KESAVAIENGAR.—I am not sure.

Mr. HONNASIDDAIAH.—When they make such special collections, is it not but fair to give them some extra remuneration?

Mr. B. T. KESAVAIENGAR.—It is a matter of opinion.

Mr. Bhupalam R. CHANDRASEKHARAYYA.—What is the reason for more than a lakh of acres lying *banjar* in various parts of the State?

Mr. B. T. KESAVAIENGAR.—It is not a supplementary question.

Mr. Bhupalam R. CHANDRASEKHARAYYA.—Is it not an indication of the low economic condition of the people?

Mr. B. T. KESAVAIENGAR.—Not necessarily.

Mr. V. VENKATAPPA.—How else is it explained?

Mr. B. T. KESAVAIENGAR.—Because, lands are brought to auction for non-payment of assessment, they remain uncultivated.

Mr. V. VENKATAPPA.—But how long will they remain unrestored to the parties?

Mr. B. T. KESAVAIENGAR.—Circular instructions have been issued that the lands should be promptly restored to the parties if the arrears are paid up.

Mr. V. VENKATAPPA.—Is any maximum period defined within which the restoration should be effected?

Mr. B. T. KESAVAIENGAR.—Six months. But if the sale is not confirmed in favour of others, the *khate* may be restored to the original holder even after that period.

Mr. S. N. M. RAZVI.—Why is it stated that information about the total loss to Government is not readily available? Can it not be calculated?

Mr. PRESIDENT.—It is difficult to find it out exactly.

Mr. Khaji SYED YUSUF SAHIB.—Will the Government see that the fines imposed in *takrar takte* cases are light and reasonable?

Mr. B. T. KESAVAIENGAR.—That has been the case.

Mr. U. L. RAMACHANDRA RAO.—In the case of very poor people, cannot the time allowed for paying arrears be extended to 3 years?

Mr. PRESIDENT.—That is too long a period indeed! But instructions have been issued that all reasonable concessions should be shown in such cases.

Discussion on the Point of Order raised in respect of Comments on the Chair's Ruling disallowing an Adjournment Motion.

Questions over, the House proceeded to discuss the point of order raised by Mr. F. C. Devaraj Urs on 9th October 1941, relating to a certain statement issued to the public press by Mr. K. Chengalaraya Reddy criticising the disallowance by the Dewan-President of an adjournment motion concerning the appointment of Mr. S. G. Forbes as Electrical Adviser to the Government.

Mr. F. C. DEVARAJ URS initiating the discussion, thanked the President for having kindly allowed the point of order raised by him to be discussed on the present occasion. He was proud that Mysore State was recognised as a Model State and that many ardent advocates of democracy had focussed their attention on how the representatives of the people of Mysore would acquit themselves in the discharge of the increased responsibilities vouchsafed to them under the new reforms granted by His Highness the Maharaja; and also many distinguished visitors like Governors of British Indian Provinces, and Rulers of Indian States attending the sessions of the Constitutional Assemblies of the

State were watching how the representatives would discharge their duties Such being the case, it was a pity that the tone of the proceedings of the House was not all that could be desired. Fortunately, however, the proceedings were conducted in Kannada and that, in a way, was a blessing in disguise. All the same, it was necessary that members realized their responsibilities in regard to all matters relating to the deliberations in the House, because it was a matter which would vitally affect their reputation abroad. For the same reason, members of the House should conduct themselves with due dignity and restraint both in and outside the House in respect of all matters pertaining to the House. In making this statement, it was not his object to create unpleasantness between the Press and the members. His purpose was merely to stress that it was the bounden duty of the members to safeguard the dignity of the House as well as the prestige of the Chair. From the time of Sir M. Visvesvaraya he had been trying to emphasize on the desirability of members of the Constitutional Assemblies exercising a due measure of restraint in all matters, but successive Dewan-Presidents had been pleased to take a lenient view of the matter. Sir M. Visvesvaraya wanted that the Assemblies should be allowed all reasonable opportunities for growth and that therefore the members thereof should be allowed to discuss matters freely and frankly. Sir M. Kantaraj Urs, too, seemed to have felt that it was not possible for any ordinary mortal to improve each and every one of the members, because one's character, dignity and bearing were virtues that depended on one's self and could not be improved by others. Sir Albion Banerji also had said that it was better that members were allowed to give out whatever they wished to state and he had even taunted the speaker on one occasion that the speaker would like similar opportunities to be extended to him when he himself happened to enter the Assemblies. Sir Mirza Ismail was always in favour of giving every opportunity to members to ventilate their views and grievances in order that thereafter they might have no ground for complaint. Thus, none of the previous Dewan-Presidents had given any guidance as to how members should exercise self-restraint in and outside the House in respect of matters pertaining to the House. He would therefore request the President to attach due importance to the question now before the House.

The Assembly was a place where elected representatives of the people met for ventilating the people's wants and grievances and urging their aims and ideals. It was not a forum where they could fritter away their energies in carrying on wearisome debates for personal edification or aggrandisement. The business of the House was expected to be carried on according to definite rules framed for the purpose. This being so, the speaker requested the President, as the custodian of the rights and privileges of the House, to give a decision on the point of order under discussion. There were several rulings given elsewhere by the concerned speakers in respect of like matters. Sir Erskine May, the greatest authority on Parliamentary Practice and Procedure, was of opinion that it was a libel to comment on the ruling of a Speaker. Sir Abdul Rahim, President of the Indian Legislative Assembly, had given a ruling in 1934, on a point of order raised by Sir Zafrulla Khan as Leader of the House, in respect of a comment made by such well-known persons as Messrs. Bhulabhai Desai and M. S. Aney on a previous ruling by the President, that no such comment was permissible. Nearer home, in Mysore also, Mr. D. V. Gundappa once made some comment in the Press with reference to a ruling of the then President of the Legislative Council, Sir Mirza M. Ismail, and the President ruled that such comment should not be made. Similarly, it would be well if a ruling was given on the present occasion also, in respect of the statement issued to the public press by Mr. Chengalaraya Reddy criticising a recent ruling of the Chair. The speaker was not raising this question in any vengeful spirit. In fact he would not press the issue at all if only

Mr. Chengalaraya Reddy would admit his mistake gracefully, in which case the President would not be put to the painful necessity of giving a ruling on a delicate point like this. If Mr. Chengalaraya Reddy had any definite grievance, it could well be got solved without resort to the public press. Almost every grievance could be discussed and got redressed in the House itself. It was open to any member to convert the President to his own view. But it would be unbecoming on the part of a member to comment, outside the House, on the President's ruling. Every member of the House must do all he could to enhance the prestige of the House and dignity of the Chair.

Mr. M. N. JOIS said that he had heard the previous speaker with rapt attention but failed to understand whether at all any definite issue had been raised on the floor of the House for consideration. The substance of the charge against a member was that he had issued a statement to the public press relating, no doubt, to something that had happened in the House; but the issue of the statement, he said, did not form part of the regular business of the House.

The PRESIDENT stated that a point of order need not relate only to business transacted in the House and that it might as well relate to outside happenings if they had a clear bearing on the proceedings of the House. To him, at any rate, the point of order under reference was clear, but if it was not clear to Mr. Jois, he could as well request Mr. F. C. Devaraj Urs to further clarify it.

Mr. Bhupalam R. CHANDRASEKHARAYYA suggested that discussion on the subject be postponed to the following Monday.

Mr. K. HANUMANTHIAH raised a point of order and solicited a ruling. An adjournment motion given notice of by certain members had been disallowed by the Dewan-President. That disallowance was now a thing of the past. Certain members had criticised the action of the President. That also was a past event. Under the Standing Orders of the Assembly, a point of order could be raised only in respect of an item of business actually under discussion or consideration. The President's ruling disallowing the adjournment motion referred to, not being an item before the House, the point raised by Mr. F. C. Devaraj Urs, *viz.*, whether the criticism of that ruling was permissible or not, was itself out of order.

Rao Bahadur M. RAMASWAMY referred to the argument of the member who had just preceded him that a point of order should relate only to an item of business actually under consideration. He said that the business before the House was consideration of the comment made by a member of the House in the statement issued by him to the public press criticising the action of the President within the House. Whether such comment was right and proper, whether it was opposed to rules or not and whether it did or did not affect the dignity and prestige of the Chair and therefore of the House, formed the subject-matter of the point of order raised by Mr. F. C. Devaraj Urs. That was a point which was perfectly legitimate for Mr. Devaraj Urs to raise. And that point had been admitted by the Dewan-President and a specified date and time also appointed for discussion. He, therefore, thought that there was no force in the argument advanced by Mr. K. Hanumanthiah.

Mr. T. S. RAJAGOPALA IYENGAR rose to a point of order and said that he wanted to know whether Mr. Ramaswamy was speaking on the point of order raised by Mr. F. C. Devaraj Urs or the objection taken by Mr. M. N. Jois or the other point of order raised by Mr. K. Hanumanthiah.

The PRESIDENT said that it was indeed difficult to go on with too many points of order simultaneously.

Lokasevaniratha Bale SIDDALINGA SETTY pointed out that several members were rising and speaking at one and the same time and requested the President not to permit the same.

Mr. M. RAMASWAMY, continuing, said that three days ago Mr. F. C. Devaraj Urs had raised the point of order and the President had fixed that day (Saturday) for discussion on it. Any

objection to the point of order should have been raised on the very day it was taken. But no member had availed himself of that opportunity. Hence no one was entitled to take objection now when the discussion had actually begun.

Mr. K. HANUMANTHIAH urged that his point of order be disposed of first and further discussion permitted thereafter.

The PRESIDENT said that issues should be faced and that there was no use trying to seek shelter under technicalities. The House was already aware that Mr. F. C. Devaraj Urs' point of order was going to be discussed on that particular day and so Mr. Hanumanthiah's objection was not valid.

Mr. K. CHENGALARAYA REDDY spoke in support of the objection raised by Mr. K. Hanumanthiah.

The PRESIDENT remarked that no more time need be wasted on any point of order other than the one that had been specifically reserved for consideration on that occasion. Mr. F. C. Devaraj Urs had raised a point some days before and it could not be contended that the Standing Order relating to the admissibility of points of order did not apply to it. A point of order could be raised at any stage, and it was with a view to give time to members, the consideration of that point had been deferred. The time fixed having arrived, it was open for discussion at present. To object now that it was not in order to be proceeded with, would only mean wasting the time of the House on mere technical grounds. He decided therefore that the point of order of Mr. F. C. Devaraj Urs be proceeded with.

Mr. K. HANUMANTHIAH again urged that his point of order be disposed of first.

The PRESIDENT replied that, as was rightly pointed out by *Rao Bahadur* Ramaswamy, any objection to the point of order of Mr. Devaraj Urs should have been raised on the very day it was taken. He had to say this though he was not interested in the matter any more than the members of the House. In the circumstances, it would not be in order for anybody to contend that the point raised by Mr. F. C. Devaraj Urs should not be proceeded with.

Mr. K. HANUMANTHIAH doubted whether a regular point of order had been raised at all by Mr. F. C. Devaraj Urs on the other day.

The PRESIDENT wondered how else the member now objecting had understood it. Besides, it was not a question in which the President alone was interested, as it related to the House as a whole.

Mr. K. HANUMANTHIAH explained that he did not want to take shelter under technical grounds and that he was quite willing to face the issues, if only there were any at all. All he wanted was that the Chair must act according to rules framed for the conduct of business in the House. With that object in view, he had raised a point of order and he would again request the President to give a ruling on it before allowing discussion on other points. According to Parliamentary practice, the President should give a ruling on every point of order raised. It was left to the President on the present occasion to follow or not to follow that practice.

Mr. M. N. JOIS added that even as Mr. F. C. Devaraj Urs was raising the question on the previous occasion, he had made an observation that that member was only making a representation and not raising a point of order. Even now he felt that Mr. F. C. Devaraj Urs was only making a representation.

The PRESIDENT wished that the objectors were honest to themselves. He had no doubt that the point of order had been clearly understood by almost all the members and if only a particular member had understood it differently that would not alter the position.

Mr. K. HANUMANTHIAH wanted to know whether his point of order was disallowed.

Mr. S. N. M. RAZVI pointed out that the other day he wanted to know whether any ruling was going to be given on the point of order raised and the President had been pleased to say that he was going to give one on this day. Again, on the previous day he had raised the same question and the President had given the same assurance. There could be no doubt, therefore, that

the point of order had been admitted and a definite date also fixed for discussion thereof. And so, now to contend that the point of order was out of order would not be proper. He would, therefore, raise another point that Mr. Hanumanthiah was not in order in objecting to the discussion being proceeded with, and requested the Chair to give a ruling on this last point.

Mr. N. RAMA RAO pointed out that the Chair having ruled that discussion be proceeded with, it was futile for the objectors to press for a ruling on their point of order. It was desirable that the House proceeded to discuss the merits of the point of order raised by Mr. F. C. Devaraj Urs without wasting any more of its time.

Mr. K. HANUMANTHIAH again asked whether his point of order had been definitely ruled out.

The PRESIDENT replied that, in the circumstances already explained, there was no substance in the point raised by Mr. Hanumanthiah.

Continuing his remarks, **Mr. RAMASWAMY** read out a part of the statement issued to the press by Mr. Chengalaraya Reddy which was to the following effect:

"It is next to impossible for him (*Dewan-President*) to dissociate himself from the executive bias in the discharge of his duties as the President of the House. The Congress Party was considerably dissatisfied . . . . . and decided to walk out of the House."

According to the rules, the ruling of the President disallowing a question, resolution or motion, was final and should not be discussed any further. This had been made clear not only in one or two places in the Rules and Standing Orders but in several places. If any matter must be permitted to be discussed in the House, it must be one calculated to result in good to the subjects of the State. But where the President felt a doubt or where he feared that a discussion on the subject would not be in the public interest, he must necessarily disallow it. The subject-matter of the adjournment motion given notice of (*viz.*, the appointment of Mr. Forbes as Electrical Adviser,) was one which, if it had been permitted to be discussed would not have resulted in any good to anybody. So the President had disallowed it and that decision was binding on all the members of the House. No comment on that decision would be proper. If it was commented upon in the press, the general public might think that the Dewan must have given a hasty ruling. A ruling from the Chair was analogous to a judicial decision. In one way it was more important than a judicial decision, because while the latter might affect or concern particular individuals, the former concerned the rights and liberties of the House as a whole. If at all members wanted more privileges, they could as well urge the appointment of a special committee for recommending to Government needful steps in that direction. But it was most undesirable that anybody should fail to respect the rules of business in the House.

Mr. M. N. JOIS who stood up again, appealed to the Chair not to get disgusted with him since he was rising often. This he did as the discussion related to a very important matter. He then invited the attention of the Chair to Standing Order 66 according to which the discussion under consideration was not permissible.

The PRESIDENT observed that it would be unparliamentary to say that the Chair should not get disgusted and so on. He then stated that as the House was already seized of the matter, members were at liberty only to deal with the merits of the point in question.

Mr. M. N. JOIS explained himself that what he wished to say was only that the question of privileges was an excluded subject under the provisions of the Act.

Mr. Bhupalam R. CHANDRASEKHARAYYA observed that the question raised by Mr. F. C. Devaraj Urs was indeed an important one. Mr. Ramaswamy seemed to have presumed that the statement of Mr. Chengalaraya Reddy affected the dignity of the Chair and therefore of the House. But there were two points for consideration in this connection, *viz.*, first, whether Mr. Chengalaraya Reddy's statement really affected the dignity of the Chair and secondly, whether the adjournment motion that was referred to earlier in

the discussion had been disallowed by the Dewan of the State or by the President of the Assembly. Mr. Ramaswamy himself seemed to have agreed that the former was the case.

Contradicting this view, **the PRESIDENT** reminded the member that the position had been clarified already. In the course of the preliminary discussion on the previous occasion when Mr. Chengalaraya Reddy remarked that the adjournment motion could as well have been disallowed by the President as Dewan, a definite reply was made that he was dealing with it not as Dewan of the State but as President of the Assembly and that the subject-matter was not a matter of such great urgency and public importance as to justify a debate through an adjournment motion and that the admission of the motion as such would be clearly opposed to the letter and spirit of the rules of procedure in the House. As a matter of fact, he had also stated that for the time being the Government was represented not by those on the dais but by the officers who sat on the right thereof. This being so, members need have no doubt whatever that the adjournment motion had been disallowed only by the President of the House.

Mr. Bhupalam R. CHANDRASEKHARAYYA stated that, so far as he knew, this was the first time that a question like this had come up before the House, and as the entire House was concerned with it, he requested that two days' time be given for members to study the position with reference to rulings given in other constitutional assemblies. If ultimately the House came to the conclusion that the statement in question really affected the dignity of the House, he was sure that the member concerned would own the mistake. In any case, it would be well if the President also took some time over considering the question in all its aspects, as any ruling which he might give would have to hold for at least some length of time.

Mr. N. RAMA RAO observed that the matter under consideration was no doubt an important one, but it was not so difficult as to require time before a decision on it was arrived at. It was clear, even to a layman, that parliamentary law and procedure should govern the disposal of the question. There could be no doubt about that. (*Mr. K. Chengalaraya Reddy questioned the correctness of this statement*). Any business concerning the House must be discussed within the House itself; and once a decision was given in the House by the President, it would be wrong for any member to comment upon it outside the House as it would be derogatory to the prestige of the Chair and the dignity of the House.

The previous speaker had pointed out that this was the first time that a question like this had come up before the House and **Mr. RAMA RAO** hoped that this would be the last time also.

As regards the merits of the question under discussion, he felt that a large principle was involved in it and therefore it deserved to be discussed with a full sense of responsibility. It was quite essential that every member of the House should be subject to a certain amount of discipline. This was a constitutional House, vested with considerable rights and privileges, a House which had been spoken of in very appreciative terms by distinguished persons both in and outside the country. It was a place where the representatives of the people met to discuss matters affecting the very administration of the State and ventilate the wants and grievances of the people of the entire State. It was also a body of which the President was no other than the Dewan himself. Therefore, it went without saying that the decision of the President must be binding on the House. The President, in the exercise of his rights and powers, must have the full support of all the members. He was their own representative and head. That being so, his rulings must not be discussed or commented upon in a light-hearted spirit, at any rate outside the House. Of course, the members could exercise their privilege of requesting the Chair to reconsider a particular ruling and convert the Chair to their own view. In the meanwhile, however, they ought to obey the ruling already given. By thus honouring the President, they would be honouring

themselves. Similarly, by doing anything which affected the prestige of the President, they would be undermining their own prestige, *i.e.*, the prestige of the House. That was the aspect which he would appeal to the members to bear in mind.

One member had gone the length of arguing in the present case that the Dewan was not an elected President and therefore he did not stand on all fours with elected Presidents of other constitutional bodies. The speaker was not a little surprised that such an untenable argument should have been advanced. It was immaterial whether he was an elected President or not. So long as he was recognised to be the President of the House, it was the duty of every member thereof to obey him. He was entitled to all the respect that the President of any other constitutional assembly was entitled to.

Besides, members had taken an oath of allegiance to His Highness the Maharaja, his heirs and successors and promised to discharge their duties and responsibilities with a due sense of loyalty. And the President of the Assembly having been appointed by His Highness the Maharaja, it was the bounden duty of the members to bow to the President's rulings. To obey the President when it was convenient for them to do so and to question his authority when it was inconvenient, would not indeed be playing the game fairly. In other words, when a decision was given by the President it would be wrong on the part of members to comment upon it outside the House. There was one particular expression in the statement referred to, for which the speaker was extremely sorry, *viz.*, that the Dewan was 'influenced by executive bias.' In this connection, the speaker wanted to remind the House that when Mr. Chengalaraya Reddy asked the President whether he had disallowed the adjournment motion as Dewan, the President had been kind enough to say, within the hearing of all the members present, that he had disallowed it as President and not as Dewan and even added that, for the time being, not he but the other officers on the right constituted the Government. In the face of such a plain and definite assurance, nothing could be more regrettable than that anybody should have commented on the ruling in the public press that the President had been influenced by 'executive bias' in the discharge of his duties. Such statements merely went to show the mentality of their authors unless it be that they had not properly understood the grounds on which the President had disallowed the motion and therefore made the comment. Whatever that be, to many members it was clear that the decision given was a ruling of the President of the House and not an order of the Dewan of the State. The position as explained by him was perfectly understandable. He knew full well that the members would press on the attention of Government, the question of the appointment of Mr. Forbes as Electrical Adviser to Government and that if he did not admit it, they would think that Government wanted to suppress facts and therefore they must be given all the facts relevant to the point on some other occasion. So he had permitted the members to elicit all the information they wanted during question hour but disallowed the adjournment motion. That clear decision of the President was perfectly in accordance with parliamentary law and procedure.

Having said this, the speaker pointed out that it was not his purpose that the matter should be pressed to a logical conclusion. After all, the fact remained that to err was human. But having erred, it would only be graceful for the author of the statement in question to own the mistake. If that was done, the incident might be treated as closed as it had served the purpose of being helpful in respect of the future conduct of members.

Mr. T. S. RAJAGOPALA IYENGAR said that this question should be viewed from three points of view. As the President had remarked, no doubt, the House was seized of this question. But the points for consideration were (1) the questions of law involved, (2) facts of the case, and (3) whether the incident under discussion amounted to an offence against the privileges of the

House. There was also the question of how similar incidents, if any, in other Assemblies had been dealt with. Mr. Devaraj Urs who raised the question had, no doubt, adduced some reasons in favour of his case. But the reasons were not considered satisfactory by other members. Constitutional law justified the raising of a point of order only under one circumstance, namely, when any question to which the point of order might relate was actually under discussion; and under Standing Order 29, the President could decide all points of orders and such decision was final. Even granting that a member was at liberty to raise a point of order when the question to which it related was not actually under discussion, and therefore the point of order now raised could be allowed, the point for consideration was, which statute it was that the incident complained against, namely, the publication of a statement by a member of the Assembly commenting on a certain ruling of the President, offended against. It was not clear whether the contention of Mr. Devaraj Urs was that the statement offended against any rules or Standing Orders. Therefore, what exactly was the stand taken up by that member was not clear to anybody. It was obvious that the responsibility of establishing a case for a point of order lay on the member raising the same. But this responsibility, Mr. Devaraj Urs had not discharged. Rao Bahadur Ramaswamy, who supported the point of order, had read certain extracts from the statement and taken serious exception thereto. But that member had not paused to consider whether the practice prevailing in all other constitutional assemblies had been followed in this case, namely, that the offending text must be circulated to the members first. The extract read out was part of a certain statement which the member had presumed had been issued by Mr. Chengalaraya Reddy. But technically speaking, the House could not take judicial notice of the fact that Mr. Reddy had issued such a statement.

The PRESIDENT remarked that it was again an argument that was futile nd merely resulted in waste of time.

Mr. T. S. RAJAGOPALA IYENGAR, however, felt otherwise. He said that in almost every assembly, there was what was known as a Privileges Committee. All questions of this kind were first taken before that committee. The practice consisted in issuing a notice first to the erring members and then taking evidence and finally taking further action. That was why at the previous session, members had urged the appointment of a Privileges Committee. The leader of the Congress party himself made a suggestion in that behalf. But the President had not taken action to appoint such a committee. The President or members of the House might come to know so many things. But such things could not be taken judicial notice of at the will of any individual or individuals. Taking notice in an informal manner would itself constitute an offence against every canon of law. Speaking judicially, the persons whom certain members seemed to be blaming, were not aware that the latter were going to do so. Rao Bahadur Ramaswamy, for example, might be in possession of the statement that was objected to. At the same time, there might be many other members who were not in possession thereof. For this reason, copies of the statement should have been supplied to all the members. At least, if that had been done, the question might have been clearly understood and discussed.

Mr. N. Rama Rao had referred to a question of law, namely, that somebody had contended that as the Dewan was not an elected President of the Assembly, his ruling was not binding on the House, and he had argued that a contention like that was not tenable. To the best of the speaker's recollection, no one had argued that the powers and privileges of the President were any the less by virtue of the fact that he was not an elected President. Throughout the present discussion, it was only the question of the privileges of the House that was engaging attention. The privileges of the House were personified in the President. It was only for and on behalf of the House that the President himself tried to safeguard

any right or privilege. The cumulative right or sum-total of it always lay with the President and the President only, because he was the embodiment of the whole House. It was in that light that the speaker wished to discuss this question. But there were elected presidents and elected members in so many legislative bodies; and the fact was that the cumulative right of any such body really lay with an elected president only and not with a nominated president. Such a right could not go to a nominated president.

At this stage, **the PRESIDENT** hoped that Mr. Rajagopala Iyengar would be the principal speaker for his group, in which case, he might take some more time than other intending speakers.

Mr. T. S. RAJAGOPALA IYENGAR replied that perhaps only two or three members were going to speak. He requested the President to allow sufficient time for discussing this question so that all aspects might be dealt with. This was a very important question and the ruling that might be given thereon would naturally become a precedent for the future.

The PRESIDENT said that he was anxious to hear as many members as possible on this question. He had made the enquiry referred to above merely with the object of reminding the member that the House was going to disperse for the day at 4-30 P.M.

Messrs. S. N. M. RAZVI, M. SITARAMA SASTRY and **A. N. RAMA RAO** requested the President to give an opportunity to every member who was anxious to speak on this question.

Mr. T. S. RAJAGOPALA IYENGAR, continuing, stated that in all written constitutions, the right in question had been clearly defined. The House of Commons no doubt was guided by an unwritten constitution. But then, every question coming up before that House was dealt with according to conventions. In the case of India, the Reforms Committee had recommended that the procedure laid down in the Government of India Act had better be followed in all cases. But even that Act specified clearly the privileges of the Indian Assembly. It was only in regard to matters not specifically provided for in the constitution that a special section had been put in to the effect that the House of Commons' procedure would have to be followed. Canada, for example, was anxious to provide for its own practice in its constitution. In the absence of such an intention being clearly laid down, the procedure of the House of Commons could not come in automatically in regard to constitutional issues arising in the Mysore Assembly, for example, and in regard to which the constitution was silent. From this point of view, happily, the Government of Mysore Act was a self-contained Act. Every matter had been dealt with in it in detail. The question of privileges also had been dealt with in Section 22. But this question was not touched upon in any other section. There was no question of privileges that might arise in the Assembly in which it was not interested, and every question that arose had to be disposed of under the Act as it existed. The rules framed under the Act were silent as to how that should be done. One of the Standing Orders related to the point at issue. He had mentioned already that if the President was not elected, he could not possess the cumulative power or right of the Assembly as a whole, and even if that right was vested in him, it must be in conformity with certain well-defined requirements. With reference to the question of meetings, it had been stated that there was no case which had ever arisen which could give the necessary guidance to decide how far the power of a Chairman extended. But meetings must be regulated somehow, and where a number of persons assembled and put a man in the Chair, such persons bestowed on him, by general consent, the guardianship of that body, and gave him the whole power of regulating the members individually, but even this, within reasonable bounds. The chairman derived his authority, as it were, from the meeting.

The PRESIDENT wished that the member made it clear whether the argument he was advancing applied to ordinary meetings or to meetings of parliament.

Mr. T. S. RAJAGOPALA IYENGAR replied that it applied to ordinary meetings, no doubt, but could also apply to parliamentary proceedings. In this contention, the speaker was glad that he had the support of Halsbury. At page 664 of Volume XXI, Halsbury said that as guardian of the privileges of the House, the Speaker, immediately after confirmation of his election, demanded from the Crown, the necessary rights and privileges and was responsible for the maintenance of the rights, privileges and dignity of the House of Commons. In other words, it was a right which the Speaker could formally demand and obtain from the King. In the House of Commons, no doubt, it was an unwritten law, but elsewhere it was written. If this right was not demanded immediately after election or confirmation thereof, it could not be demanded at all subsequently. Again, at page 633, it was said that the Lords were the sole judges of their own procedure. All questions relating to the proceedings of the House of Lords were to be settled by the House itself. The rules as to the making of orders and general conduct of debates were either laid down in the Standing Orders of the House or sanctioned by usage. Similarly, therefore, if such powers were to be exercised in Mysore, they must have the sanction of usage or they must have been provided for in the Standing Orders. Unfortunately, however, there was neither usage nor provision in the Act or the Standing Orders thereunder. Any special powers which the President might propose to take in such circumstances would therefore not be justifiable.

There was also another point involved in this case. Every constitution provided that for purposes of investigation, the House could convert itself into a Court. A provision of that kind was to be found in almost every progressive constitution. Unfortunately, no such provision existed in the Mysore Constitution. There was a provision in certain cases that the House of Legislature was also a court of record. If there was a provision like that, the Representative Assembly could investigate, take evidence and decide what action should be taken. No such provision existed in Mysore, either in the rules or in the Standing Orders. Therefore, as the House was not a court of record, it could not take evidence.

Yet another point was involved in this case. If investigation was made and a decision given, some effective means of enforcing such a decision should also be provided for, such as a penal provision for failure to abide by such decision.

The PRESIDENT observed that if that was admitted to be a healthy convention, it could be embodied in Mysore also in the shape of a rule.

Mr. T. S. RAJAGOPALA IYENGAR thought that it could not be done for the very reason that Mysore had a written constitution, and conventions could be established and followed only if the constitution was unwritten. In written constitutions, even inherent powers would have been specifically provided for, which was not the case in Mysore. The Government of Mysore Act being silent, it was not possible to establish new conventions on such vital questions like the one under discussion.

The PRESIDENT inquired whether it was the view of the member that a penal provision should not be provided for.

Mr. T. S. RAJAGOPALA IYENGAR said that it could not be done in this case, because the power to give a decision in cases of this kind was itself not existent, so that the question of a penal provision for enforcing such a decision could not arise at all. Strictly speaking, in the case of all complaints, relief was always to be provided for. But when this was not done, there was certainly no need and no use for any penal provision. In other words, there was no use discussing the question before the House, because the President could not give any relief at all. Not merely the President but even the Government could not think of legislating on this question, because, it was beyond the jurisdiction contemplated by Section 30. He would only quote in support of his position the well-known case of Sir Michael O'Dwyer *vs.* Sankaran Nair.

The PRESIDENT observed that a very learned discussion was going on, but he would suggest that the member would do well to tackle the essential points involved in the case so that all the members could follow him.

Mr. T. S. RAJAGOPALA IYENGAR said that he would cut short his remarks as far as possible. But as this was a very important point, he wanted to refer to all aspects of it in some detail. To refer to the main point, he would only say that a President who was not elected could not be placed on a par with an elected President, even though he was the Dewan himself.

Mr. M. RAMASWAMY said that the question of nomination or election did not arise in this case and that the President was entitled to the fullest respect at the hands of the members so long as he was recognised as such. The question at issue related to a certain statement published outside the House, that is, in a newspaper, with regard to what had taken place within the House. Instead of confining his attention to that point, he was sorry that the member should go on with a discussion of the practice prevailing in the House of Commons, in the House of Lords and in several Houses of Parliament all the world over.

The PRESIDENT pointed out that the member was trying to emphasise the difference between an elected and a nominated President.

Mr. T. S. RAJAGOPALA IYENGAR agreed that was just his point and he proceeded to say that the House had no jurisdiction technically over the question raised by Mr. Devaraj Urs. The President being a nominated president, the House could not take into consideration that question and come to a decision. The Government of Mysore Act and the rules and standing orders made thereunder did not cover incidents of this kind. Secondly, a certain question had been put by the Chair, namely, whether the member who had issued the statement was prepared to deny it. But even that question could not arise. If the House must take judicial notice of the statement, the offending text must be available to the members. Certain members who seemed to be supporting the point of order had referred to a similar incident that had come up before the Central Assembly. But certain facts relating to that case had not been refrred to by these members. In that case, a point of order had been raised and there was a discussion. A member wanted to know what exactly was the offending text and how the members were expected to know what it was Sir N. N. Sirkar agreed in that view. He also agreed that evidence should have been taken, which had not been done. Finally, therefore, the question had to be dropped. This showed that if judicial notice should be taken, certain steps should have been taken in advance. That was why the speaker was raising his objection and not that any privilege of the House should be withdrawn or that any disrespect should be shown to the Chair. As a matter of fact, on an earlier occasion, members wanted to submit that a certain ruling which the Chair had given on a certain adjournment motion was not a ruling really. But they were not permitted to do so even though due notice had been given by those members. Even in such a case, all members had willingly obeyed the President's decision.

The PRESIDENT reminded the member of how exactly certain members had obeyed. They had merely walked out. He wished that the members had really obeyed. If any member was not satisfied with the decision of the Chair, it was open to him to have asked at a suitable time for a reconsideration of any facts which might have been overlooked.

Mr. T. S. RAJAGOPALA IYENGAR concluded by saying with reference to the question now under discussion, that judicial notice could not be taken of it, because the offending text was not before the members, and even if the question was to be considered, his point was that it was not a regular ruling of the President that was commented upon in the newspapers.

Mr. V. VENKATASWAMY SETTY observed that this question need not have come up before the House at all, since it was only matters provided for

in the Act, Standing Orders and the Rules that could be dealt with in the House. All matters taking place outside the House could be dealt with not by the Assembly but by the Government. He suggested that further discussion on the question be therefore dropped.

Rao Bahadur M. RAMASWAMY feared that if the Government found it necessary to take action with regard to the statement in question, such action would necessarily be too severe. He therefore thought that it would be better for the members responsible for the statement if the question was considered by the Assembly itself.

Mr. A. N. RAMA RAO stated that the points mentioned by Mr. T. S. Rajagopala Iyengar were very important. With regard to the contention that the point of order need not be discussed as the offending text was not before the members, the speaker said that the statement itself was the offending text, and that all the members were already aware of it. As a matter of fact, on the day that Mr. Devaraj Urs raised the point, he wanted to read the statement in full. But the President was pleased to say that he would allow discussion on it on a subsequent day, and that necessary details might be gone into on such day. This was why the statement had not been read out in full by Mr. Devaraj Urs. But subsequently, the members had sufficient interval in which thy could have gone through the statement. Mr. Rajagopala Iyengar had alleged that the specific offence by the author of the statement had not been made clear to the House. Rao Bahadur Ramaswamy had clearly referred to two or three sentences in the statement, *e.g.*,

"The ruling of the President has resulted in the House being deprived of the undoubted right to discuss a recent definite matter of urgent public importance . . . . ."

"The reasons given for the disallowance were utterly unconvincing . . . . ."

"It is clear that if the Executive head of the Government is also the President of the House, it is *next to impossibility* for him to dissociate himself from *executive bias* in the discharge of his duties as the President of the House . . . . ."

These three sentences, the speaker observed, were most damaging. If such references had been made elsewhere, the person making them would have been liable to action under Section 500 of the Penal Code. Mr. Rajagopala Iyengar had made another statement apparently with a sense of supreme satisfaction, that notwithstanding the fact that certain members had not been convinced that the ruling given by the Chair was a proper ruling, they had willingly submitted to the Chair's decision. How far from truth that statement was would become apparent when one particular sentence in the statement complained against was borne in mind, namely,

"the Congress party, considerably dissatisfied with the ruling of the President walked out of the House to effectively mark their dissatisfaction".

Thus, it was clear there was no willing obedience to the President on the part of such members. However, it was clear that all members were aware of the offending text. The object of circulating copies in such cases was only to enable members to judge whether any offence was committed or not. The object having been fulfilled in this particular case, there was no necessity to circulate copies in advance.

Referring to the question of the privilege of the President, **Mr. RAMA RAO** was definite that the privilege existed irrespective of the fact whether a President was elected or nominated, and there was very little difference as between the privilege of the President and the privilege of the House. The difference was not only slight but subtle. What might be considered to be a privilege of the House could easily become a duty from the President's point of view and *vice versa*. Duty and privilege were thus interchangeable. The privileges of the House would not depend upon whether a President was elected or nominated.

In this connection, the member invited attention to the detailed provisions under the Mysore Legislative Rules, Part VII "General Principles of Procedure"—particularly to rule No. 31 (1). He said the power given to the President of enforcing his decisions on all points of order was a very large power indeed,

and even in respect of it, no distinction had ever been sought to be made as between an elected and a nominated President.

Proceeding, **Mr. RAMA RAO** stated that the contrast which Mr. Rajagopala Iyengar had sought to draw between the House of Commons and the Mysore Assembly with a view to showing that the President of the Mysore Assembly who was not elected, could not exercise all the powers vested in the Speaker of the House of Commons, was also not maintainable. Even with regard to the inherent powers, Mr. Rajagopala Iyengar had contended that in case the President wanted to exercise any such powers, they should have been specifically provided for in the Government of Mysore Act, or under the Standing Orders, or rules under the Act. Even that argument was not sound in view of the fact that certain rights and duties had already been defined under the Statute so that there was no need to provide for them again in rules and Standing Orders. At that rate, it might as well be suggested that even for minute details, specific provisions should be made. The purpose of the Statute, after all, was to give general guidance, and this the Statute in Mysore already did.

Mr. Rajagopala Iyengar had also stated that under Section 22 of the Government of Mysore Act, the Assembly itself could not deal with matters of the kind in question. Section 22 only proposed to give certain privileges to members, but the privileges were by no means exhaustive, in the sense that no privilege not provided for specifically existed.

Mr. Rajagopala Iyengar had also referred to the conduct of meetings and alleged that the principles and procedure were common to both ordinary meetings as well as meetings of legislative bodies. The speaker was somewhat surprised that an argument like that should have been advanced. Surely, the rules and procedure meant for the conduct of a meeting of a co-operative society, for example, could not be applied in the case of the Legislative Council. It was also stated by a reference to Halsbury that the Speaker of the House of Commons would demand and get certain privileges from the King, and that those privileges did not exist in the case of the President of the Assembly, since he did not demand and get any privileges from His Highness the Maharaja. Even that argument would fall to the ground when it was remembered that the Dewan and the Ministers were proclaimed as such by His Highness the Maharaja so that they derived their authority and power from the Sovereign. Wherever there was Sovereignty and wherever there was an Executive, the Sovereignty always delegated the power to the Executive and the Executive always derived its power from the Sovereignty. The Dewan and the Ministers always made their orders in the name of His Highness' Government. Such being the case, there was no necessity for the Dewan to demand and get any authority or power or privilege explicitly, from His Highness the Maharaja.

Mr. Rajagopala Iyengar was labouring under another misapprehension that decisions from the Chair could not be enforced in the absence of a penal provision. The rules already made under "General Principles of Procedure" certainly gave the President all necessary powers, so that no penal provisions were really called for at all.

Reference had been made to a similar question before the Indian Legislative Assembly. In the course of his ruling on the point of order raised in that House, the President had stated that the Chair would ordinarily permit any member who wished to make any statement with reference to what had been stated by the Chairman, provided that the member did not wish to criticise such statement but only sought to elicit the point. The Leader of the House had suggested that the matter need not be pursued further and so the matter was dropped. In this case, if any member who might have felt aggrieved by the decision of the Chair had asked for a reconsideration of the matter involved, his action would have been perfectly justified. But discussing such a ruling outside, especially in the public press, was certainly not justifiable.

Lastly on 4th July 1934, Dewan Sir Mirza M. Ismail had made it amply clear that the maxim upon which legislation was based, whatever the matter in question, was that such matter should be examined, discussed and adjudged in the House to which it related and not elsewhere. He had also made it clear that the statutory principle did not depend upon whether a Speaker or President was an official or a non-official, elected or appointed, or even *ex-officio*. More than anything else, Sir Mirza Ismail had referred to one other principle, namely, that the good sense of the English constitution insisted that members should give the President all the respect that was due to his office. Bearing all these in mind, **Mr. A. N. RAMA RAO** hoped that the author of the statement in question would realise that he had made a mistake and have the grace to express his regret for it.

Mr. Khaji SYED YUSUF SAHIB remarked that this was a very simple matter as Mr. F. C. Devaraj Urs had clarified the issues on which the Assembly was expected to express an opinion. In defence of the statement issued by a certain member on the Dewan's ruling, Mr. Rajagopala Iyengar raised many technical arguments which were effectively answered by Mr. A. N. Rama Rao, who was also a member of the legal profession. The speaker was no lawyer but one who would discuss the question from a purely commonsense point of view. The adjournment motion to which the ruling related did not pertain to a matter of urgent public importance. Besides, the subject-matter of that adjournment had been dealt with in the shape of questions and representations. That was the reason why the President had disallowed the adjournment motion. If that decision of the Chair was commented upon in the public press, surely, the prestige of the Chair and the prestige of the House would suffer. The comment in the public press was therefore unjustifiable and could not be justified even if members felt that a certain ruling was not to their liking. The point at issue had nothing to do wtih the question whether the constitution was written or unwritten. The procedure was the same to all constitutions and in particular, one feature common to all constitutions was that rulings from the Chair must be respected by one and all. It was recognised on all hands that Mysore was a model State. That reputation was sure to suffer if members went on discussing rulings from the Chair in newspapers. The action of the author of the statement was therefore unsatisfactory and had caused both pain and surprise to many members of the House.

Mr. M. SITHARAMA SASTRY stated at the outset that it was not necessary to discuss the question at length. The only point for consideration was whether the conduct of the member who had issued the statement in public press was correct or not and whether it would enhance or affect the prestige and dignity of the Assembly. Mr. T. S. Rajagopala Iyengar need not have laboured so much to explain that the point of order now before the House could not be discussed for the reason that the offending text was not before the members. When the statement now complained against appeared in public press, it had become public property. The author had not disowned his statement. Having become public property, the statement had also become the property of the House. It was therefore quite competent, in his opinion, for the House to discuss the question.

In this connection the member invited attention to a certain question that had come up for discussion in the Legislative Council at the previous session. With regard to the distribution of Government patronage to newspapers, certain members of the Congress party happened to put some supplementary questions with particular reference to the *Desabandhu*. That paper attributed a motive to those members whereupon the members represented to the President that such comment would affect the prestige of members of the House and therefore also of the President, and appealed to the President for protection from such comment in future. The number of members who had put

those supplementaries was not large and the comment made by the *Desabandhu* affected, if at all, only those particular members, and yet all the members of the party united in recording their protest against the comment. In the present instance, the dignity of the Chair, and therefore of the vast majority which willingly bowed to its ruling, was offended against. Obviously therefore the present question assumed larger importance than the one that had come up before the other House. There was thus no doubt that the Assembly was perfectly justified in discussing the propriety or otherwise of the statement in question.

It was somewhat surprising that Mr. Rajagopala Iyengar should have thought it fit to establish a difference as between an elected President and a nominated President. Such a distinction must be deemed to imply that the member and others of his way of thinking were not prepared to respect an official President as much as they would respect an elected nonofficial president. No doubt, from the point of view of political institutions, there was much difference between having an official President and a non-official president. But from the point of view of the dignity of the House it was all the same whoever the President was. Every member of the House was therefore bound to give all possible respect to the President of the House whoever he be.

A similar question had come up before the Central Assembly, some years back, having been raised by Pandit Motilal Nehru. President Patel gave a ruling on that occasion to the effect that no member was at liberty to make such comment.

In the course of the statement under discussion, the author had complained that the ruling of the Dewan-President was not impartial. That was altogether wrong. That observation implied that the Dewan-President allowed himself to be carried away by notions of executive responsibility and did not come up to expectations as President of the constitutional assembly. This was implied in that allegation. It was too much for any member to make allegations of that kind.

Having said all this, the member did not propose that the House should pursue the matter any further. The discussions themselves must serve the purpose in view. For any wise person a unanimous verdict by the Assembly that a certain thing was wrong should appear to be even worse than capital punishment.

Mr. D. DEVARAJ URS interjected that this was a suggestion that was at once bold and sane and that was the reason why Mr. Sastri was known throughout the State as "Grama Simha" (village lion).

Messrs. S. RAMAPPA, M. B. GURULINGIAH, Isthuri SAMPANGIRAMIAH and other **members** objected to the remark of Mr. Devaraj Urs and appealed to the Chair to call upon the member to withdraw the statement and apologise to the House.

Mr. D. DEVARAJ URS said that he would withdraw his remarks provided Mr. Sastri did not cast aspersions against Congress members.

The PRESIDENT observed that Mr. Sastri had not cast any aspersions against anybody.

Some **MEMBERS** requested the Chair to demand an unconditional apology from Mr. Devaraj Urs.

Mr. A. N. RAMA RAO referred to rule 28 (v) of the Legislative Rules under which a member of the House was prohibited from uttering treasonable, seditious or defamatory words while speaking on the floor of the House, and contended that the expression employed by Mr. Devaraj Urs with reference to Mr. Sitharama Sastry was definitely defamatory. In the course of the same debate, a prominent member of the Congress party had suggested that sufficient penalty should be prescribed for the enforcement of any decision. On the same analogy, Mr. Devaraj Urs should take a severe penalty. The House was almost unanimous in thinking that the expression was definitely defamatory. Mere withdrawal of the expression did not mean that the member employing regretted having employed it. The speaker requested the Chair to take strict action in order that such expressions would not be repeated in future.

Being a Congressman, Mr. Devaraj Urs was expected not to employ such expressions for that would be inconsistent with the principle of *ahimsa*.

The PRESIDENT asked Mr Devaraj Urs whether he would withdraw the expression referred to and apologise to the House for having employed it.

Mr. D. DEVARAJ URS withdrew and apologised.

Mr. M. SITHARAMA SASTRY said that no member of the Assembly should do anything either in the House or outside that might affect the dignity of the House. It would be well if a convention of this kind was established by common consent irrespective of the party to which any particular member belonged.

At this stage the House rose for lunch and reassembled at 3-30 p.m.

Mr. B. S. CHANDRASEKHARA RAO stated that any member who was blamed must be told what exactly he was blamed for. Otherwise the member would not be in a position to defend himself. Even now it would be better if Government placed a charge-sheet in the hands of the members and particularly the one about whom so much of vague discussion was going on.

The PRESIDENT stated that it was now more than clear to the House what the discussion was about and there was nothing for Government to do at this stage, as they were not in the least concerned in this discussion.

Mr. B. NARAYANASWAMI observed that, notwithstanding the lengthiness of his remarks, Mr. A. N. Rama Rao had been unable to answer the specific issues that Mr. Rajagopala Iyengar had raised. Mr. Rama Rao had argued that the President could enforce his decision in respect of matters taking place even outside the Assembly. But Rule 31 of the Legislative Rules definitely referred to " the Chamber " so that it was clear that the powers of the President related only to matters taking place on the floor of the House. The speaker felt that the House was not competent to take action in respect of matters taking place elsewhere. Mr. F. C. Devaraj Urs no doubt vehemently complained that the dignity of the Chair and the reputation of the House had suffered on account of the statement published in the papers. But the speaker wondered whether members could constitute themselves as judges to hear that complaint. He also argued that as they had no power to punish the erring member, granting that he had erred, they were not competent to hear the complaint at all. In this view it looked as though members, in trying to hear and dispose of the present complaint, were imagining that they had certain powers which in fact they had not. The Representative Assembly was surely not a judicial court nor was there any organisation similar to the High Court of Parliament for the Assembly or anything corresponding thereto. There was not even a Committee of Privileges to consider such questions first and make a report to the Assembly. Even the President of the Assembly did not have the powers which the Speaker of the House of Commons exercised. That being so, the House would only be wasting its time and energy in investigating or complaint of the kind in question.

Mr. A. N. RAMA RAO remarked that it was because the House did not have the special powers and privileges referred to that it should try to earn them.

Proceeding, **Mr. NARAYANASWAMY** was glad that one or two members had suggested that the Assembly should try to establish healthy conventions by common consent. That was certainly an ideal to be aspired for. But unfortunately conditions were not always similar and by copying only one thing from British Parliamentary practice Mysore would not stand to gain in any way. Partial emulation often meant real danger. In the first place the Assembly had no elected President who could act as the spokesman of the House and he could not therefore exercise anything like judicial powers over members of the House. It would not be possible therefore to establish any kind of convention with reference to regulating the conduct of members, at any rate, outside the Assembly.

Speaking of the merits of the issue under discussion, **Mr. NARAYANASWAMY** felt that commenting on any decision of the President did not mean any kind of disrespect to the Chair. As there were certain inherent defects in the Mysore Constitution comment in and outside the House sometimes appeared inevitable. That was why Mr. Chengalaraya Reddy had once suggested that a Committee of Privileges should be appointed. Unfortunately that suggestion had not been entertained.

The Dewan who was the executive head happened to be also the President of the Assembly. He thus combined in main three different functions. In other words, there was what might be termed "a confusion of powers" in his case. This was an instance of inherent constitutional defect that the speaker had mentioned. Even in England where the constitution was said to be ideal, circumstances similar to that under discussion had arisen. The Speaker of the House of Commons was originally a party leader so that one sometimes heard of the existence of cliques. For that reason a convention was established more recently that the Speaker should not be a party leader and that he should be an independent man who was always expected to be neutral, who owed no allegiance to any party and had no connection with any party. In his well-known book on Parliamentary Practice, Ivor Jennings observed at page 55 that the convention was for the President to preside impartially over debates of the House otherwise than in a committee. The same author also stated that Mr. Gladstone always insisted that the Speaker ought not to be taken from the Treasury Bench. That, according to Mr. Gladstone, would not be wise because there might be a suspicion of partiality. It was also worth while noting that the Speaker was never regarded as a servant of the Crown. He was not even nominated by the Crown. He was elected by the House of Commons and he was responsible only to the House of Commons. Without having any such powers and privileges, if the members of the Assembly suddenly tried to act as judges and went on punishing their own colleagues, there was no doubt whatsoever that they were only harming themselves.

Mr. S. N. M. RAZVI said that before further discussion took place, it would be well if Mr. K. Chengalaraya Reddy explained his position, as he happened to be the author of the statement about which so much of discussion was going on.

Mr. K. CHENGALARAYA REDDY, at the outset, said that in one sense he was very glad that the question had come up for discussion in the House and it was a matter for gratification that the House had devoted so much attention to it. It might be asked why he did not offer his remarks earlier on the question. His reply to such a question would be that he had remained a silent spectator so long because he wanted to ascertain all shades of opinion in the House on this important question before expressing his own views thereon. He wanted to make it clear that in issuing the statement complained against, he had not committed any offence of which he need be ashamed. He also did not agree that, as a result of having published that statement, the prestige or dignity or reputation of the House had suffered in any sense.

This question should be viewed from two points of view. The first was whether the rules relating to the conduct of the business of the House had been infringed by him and as a result thereof the prestige or the privileges of the House had been damaged; and the second was whether he was to be held responsible for such damage. He personally felt that the ruling of the President, which was the subject-matter of the statement in question, was not a ruling, because the definition given in the Mysore Legislative Rules made no mention of Rulings.

The PRESIDENT pointed out that in the statement itself, it had been referred to as a *ruling* and that in this very discussion, several members of his own party (Congress Party) had referred to the ruling as such.

Mr. K. CHENGALARAYA REDDY, while agreeing that it was so, nevertheless said that technically speaking, the

ruling given by the President was not a ruling. If any point of order had been raised and the President had made a statement on it, it might have been regarded as a ruling. A mere opinion expressed by the President in the course of disallowing an adjournment motion could not amount to a ruling, in the correct sense of that term. Even granting that it was a ruling and bearing in mind Rule 28 (2) (viii) of the Mysore Legislative Rules to which attention had been drawn by Mr. A. N. Rama Rao, no blame could be laid at the door of the speaker, because he had not challenged it or shown an attitude of defiance towards it. It had been implicitly obeyed by him and the other members of his party, because according to Rule 29, nobody could question the decision or ruling of the President on any point.

The next question for consideration was whether a ruling by the President would debar any member from discussing it or criticise it as he thought right, outside the House, though there was no doubt that a ruling was operative within the four walls of the House. Rule 31 of the Legislative Rules empowerd the President to preserve order and to exercise all the powers necessary for enforcing his ruling or decision on any point of order. Even under that rule, the President could take disciplinary action against members for acts committed by them only within the House, but not outside of it. It did not contemplate any action in respect of criticisms or statements made outside the House with respect to any business transacted in the House. Thus the speaker was convinced that in issuing the statement, he had not infringed the rules of procedure of the House. Even within the House, he had not infringed any rule. All that he and the members of his party had done was that they simply walked out, with a view to express their dissatisfaction at the attitude taken by the President in respect of a certain adjournment motion. That was a procedure which was commonly adopted in the Central Assembly as well as in other Assemblies whenever members wanted to record their dissatisfaction. It was within the memory of many members that a walk-out had been staged in this very House not long ago. Even on the question of criticism outside the House, the member stated that precedents elsewhere justified such criticism. After the hon. Mr. Bulusu Sambamurthy became Speaker of the Madras Legislative Assembly, a controversy arose about the singing of " Bande Mataram " song in the Council Hall. A ruling on the point was given by the Speaker, but the members of the Muslim League did not agree with it. There was an uproar both in and outside the House. The matter was freely discussed in the press and on platforms. Ultimately all those concerned met together and came to an understanding in accordance with which, another ruling was given. Another incident happened more recently in the Bengal Legislative Assembly. A no-confidence motion against the Ministry was tabled when the Deputy President was in the Chair, a certain ruling was given with reference to it and the House was adjourned. A controversy followed, which did not close until all the party leaders had met and issued a statement to the press. In the Sind Legislative Council too,a similar incident had happened still more recently. There was a discussion outside the House with reference to a ruling from the Chair. A point of order was raised in the House and a ruling given to the effect that subject to certain limitations, criticisms outside the House could be allowed. As already pointed out by other speakers, yet another question had arisen in the Central Assembly itself in 1938 because the leaders of important parties, *viz.*, Mr. Bhulabhai Desai and Mr. Aney had issued statements to the press. The Leader of the House, the Hon. Mr. Zafrulla Khan and leaders of the different parties met and came to an agreement that such points should not be discussed in the press, but they might be discussed on the floor of the House. If members of this Assembly also had been afforded similar opportunity under the rules and standing orders, perhaps there would have been no occasion for them to resort to the public press to comment on such rulings.

The PRESIDENT enquired whether the member had looked into the relevant portions of the proceedings.

Mr. K. CHENGALARAYA REDDY said that he had looked into them.

Mr. F. C. DEVARAJ URS pointed out that the understanding arrived at there was that discussion might be allowed *with the permission of the President*.

Mr. N. RAMA RAO suggested that if members agreed to a simlar convention being adopted, the present discussion might be treated as closed.

The PRESIDENT wanted to know whether Mr. Chengalaraya Reddy had justifiable grounds for fearing that there was no scope at present for getting a decision reconsidered.

Mr. K. CHENGALARAYA REDDY replied that it was clear from the rules that no such scope existed at present. The rules definitely stated that the "President's decision shall be final" and the President himself had often drawn the attention of members thereto. Consequently, members had reason to apprehend that they could not raise a discussion without incurring the displeasure of the Chair. If therefore provision for reconsideration had been made in the rules it would have been a different matter.

Another point worthy of note in that connection was the attempt that was being made to draw a parallel between the House of Commons and the Mysore Assembly in matters relating to procedure. One member had dealt with the question elaborately and explained how the House of Commons had developed, how the powers of the Speaker had grown from time to time, etc. Evidently that member had forgotten that the House of Commons was at full liberty make its own rules as regards its privileges and procedure and change them from time to time. Even a court of law was not competent to hear cases relating to the House of Commons. The House itself acted as a court to dispose of such cases. It was also a court of record, the Speaker having the power to arrest any person in certain circumstances. Originally, the Speaker was a party-man but that system did not work satisfactorily. For centuries they strove and established the convention that the Speaker ought to be an independent person, not being one with the executive. As the well-known writer, Frederic, stated in this book on "Constitutional Government and Politics."

> "Any influence whatever that he (the Speaker) possesses over acts of the Assembly is just so much power taken from the Assembly and thrown into the lap of this single individual . . . . . In every respect, he resembles the highest judicial officer in the land."

No doubt, more than one member had made mention of parliamentary practice and invited attention to the existence of provisions for dealing with libel. Those were provisions which one would like to follow here also. That appeared to be the mentality of particular members. But it was curious how those very members lost sight of the traditions, conventions, background and history of English parliamentary life. There could be no justification for suggesting that only restrictions should be copied here, without copying at the same time the liberty, freedom, privileges and rights existing in England. It would indeed have been very well if all the conventions and traditions of the House of Commons were copied in Mysore. Unfortunately, however, the only privilege that members of the Assembly in Mysore had was the freedom of speech.

The PRESIDENT observed that that was a very great privilege.

Mr. K. CHENGALARAYA REDDY agreed that it was, but complained that it had been qualified to a very great extent in the rules. A number of limitations had been enumerated in Rule 28, and any member infringing them was liable to be punished. Thus, he contended, that the House of Commons was no parallel at all.

Proceeding, he explained that every constitutional assembly worth the name had the right to elect its own Speaker and if necessary to move a motion of no-confidence in him. If questions of procedure and privileges arose, the members could discuss them and arrive at a mutual understanding and find a remedy. A no-confidence motion itself

was a remedy if they felt dissatisfied on any point. Even in Mysore, in the Legislative Council, members could bring in a no-confidence motion against the President. But the Representative Assembly did not have that right. If therefore the members of the Assembly had any dissatisfaction or grievance to ventilate, there was no remedy open to them. They were simply helpless. They had nothing but restrictions all round. The only forum open to them, therefore, was the public press, and it was their right and privilege to resort to it where necessary. And that was the reason why he had released the statement in question to the press

As regards the contents of the statement itself, the member wished to mention only a few points. In the first place, there was no imputation made in it against anybody; nor was partiality on the part of any one alleged. Much less was any charge levelled against anybody. Secondly, though he did not wish to say anything in support of the argument of Mr. Rajagopala Iyengar that the offending text should have been made available to members, he only wanted to say that the statement had not appeared in full in all the papers. Different portions of it had appeared in different papers so that the speaker honestly felt that all the members were not aware of the statement as a whole. If therefore copies of the full statement had been furnished to the members, they would have been satisfied that no malice or imputation was contained in it. It could not have been so, because, in giving publicity to his statement, he had not been actuated by any such base motive. That being so, the statement could on no ground be treated as amounting to a libel. All that he had written was meant merely to bring to light certain defects and difficulties in the existing system.

One of the previous speakers had drawn pointed attention to that part of the statement which referred to the Head of the Administration also being the President of the House. But even in that, there was neither personal allegation nor imputation of a motive. If at all, it clearly explained that there was room for conflict of functions as a result of one and the same officer discharging various duties, *viz.*, as Dewan, as Head of the Executive and as President, and the consequent psychological effect of it was that he was finding it almost impossible to give impartial decisions.

Proceeding, the member assured the House that he was second to none in his respect for parliamentary practice. He had as much experience of parliamentary procedure as any one else in the House. He was more anxious than others that the rights and privileges of the House as well as the dignity of the Chair should be respected under all circumstances. The question before the House was one of principle. As regards the present system, some held the view that everything was ideal in it, while others thought otherwise. In expressing these conflicting opinions, every one spoke honestly. Nobody's *bona fides* were in question What then was the emedy? If there had been a Privileges Committee, such questions could have been discussed from time to time and decisions arrived at. That was why the speaker had suggested in the previous session that such a committee should be constituted and he hoped that at least in future, one would be constituted.

The statement that it would not be possible for the Dewan to give impartial decisions as President of the Constitutional Assemblies had not been made for the first time now. In connection with Resolutions asking for non-official Presidents for both the Houses, that very argument had been employed in both the Houses. On those occasions, he had also made similar statements without objection being taken by even a single member. Such being the case, he was at a loss to know why so much discussion was taking place on the present occasion.

Mr. F. C. DEVARAJ URS said that even now, there could be no objection to similar arguments being advanced on the floor of the House. The objection taken was only in respect of publication in the newspaper press.

Mr. K. CHENGALARAYA REDDY pointed out that while under the previous

constitution members had scope for discussing such questions in the House, that right was denied to them under the revised constitution, because resolutions asking for a non-official President for the Assembly were now being disallowed. If members were thus prevented from raising such issues, the only course open to them was to resort to the public press. They could not remain for ever without a remedy. He would request the members to bear in mind one particular aspect of the question, *viz.*, it was because there was no other means of expressing his views that the statement in question had been issued to the press and not with a view to bring down the dignity of the Chair or the prestige of the House. Whether such a procedure was right or wrong might be a matter of opinion. But there could be no question of *mala fides* in any quarter. The speaker requested the President to accept this assurance and then decide the question.

With reference to the remark made by some of the previous speakers that the speaker had committed a mistake in issuing the statement and that he should apologize for it, he said that he did not feel that what he had done was wrong. If only he had felt that he was in the wrong, he would have been the first to confess his guilt and make amends, because confession was always an evidence of grace. But so long as he was not convinced that he was at fault, it would be nothing but cowardice to plead guilty.

Before concluding, the member regretted very much that one incident (the remark that had been interjected by Mr. D. Devaraj Urs with reference to Mr. M. Sitarama Sastry) which pained all the members had happened on the floor of the House. He appealed to the members to generously forgive and forget it and never again to refer to it.

Mr. S. N. M. RAZVI requested Mr. Chengalaraya Reddy to remember that no personalities but only general principles were involved in this case. And he was glad that both sides of the question had been discussed in sufficient detail. Speaking for himself, he said he was not a lawyer and therefore proposed to discuss the question only from the point of view of the layman. It was well known that if a murderer realised his guilt, he should at once surrender to the police. That was a principle of Truth preached by Mahatma Gandhi in connection with the disturbances at Ahmedabad and at other times. There would be no need for further discussion on this question if the same principle as followed here also. The point before the House was whether a ruling of the Chair could be criticised outside the House. The law relating to this House was that it should not be criticised outside, and it must be obeyed however irksome it might be. There was no need even to argue that the Dewan should not be the President of the House and so on. Even at the time of elections, it was known that the Dewan was going to be the President of the House. Other features of the constitution were also known in advance. If any one had felt that the rights and privileges of the House were not adequately safeguarded, it was open for him not to stand for election to such a House at all. Having come through elections, he ought not to act in a manner contrary to the provisions of the Act, whether in the House or outside. At any rate, no member should behave in a particular way while in the House and in an altogether different way when outside. Mr. Chengalaraya Reddy and members of his party had pointedly asserted that they had obeyed the decision of the Chair, and therefore no blame could attach to them. But was it fair, he asked, to bow to a decision in the House and criticise it outside? Personally he felt that criticism outside was more objectionable than disobedience within for, it was sure to affect the dignity of the Chair, the privilege of the House and the reputation of the members.

In justification of the newspaper criticism now in question, Mr. Chengalaraya Reddy referred to the discussion in the Madras Assembly regarding the *Bande Mataram* song. But there was nothing in common between the two incidents. Because while the protest against the song was lodged not by a member of the Madras Assembly but by the Muslim, League as a whole. in the present case, a member of the House

had protested in the public press. That, he said, made a lot of difference.

Mr. K. CHENGALARAYA REDDY enquired whether, in the opinion of Mr. Razvi, the speaker had no right to exercise at all as a common citizen, apart from being a member of the House.

Mr. S. N. M. RAZVI thanked the member for the enquiry and said that he agreed that as a citizen he had certain rights. At the same time, he added, except perhaps in the United States of America, nowhere in the world was any one allowed to exercise one set of rights as a member of Parliament and quite another set of rights as a common citizen. In a vast majority of parliaments that sort of a double privilege was not recognised. And it would be well if Mr. Chengalaraya Reddy remembered this and conformed to the practice prevailing in the generality of cases.

Mr. K. CHENGALARAYA REDDY thanked Mr. Razvi for the enunciation of theory and urged that following the practice with the generality of parliaments, this Assembly also should no longer have an Official President.

Continuing, **Mr. S. N. M. RAZVI** appealed to the member to view even constitutional questions not only from the legal point of view, but also from the moral point of view. It would always be graceful to own a mistake. In this view, he suggested to Mr. Reddy to own the mistake and say that due to some misunderstanding or with the intention of getting the privilege of an elected President for the House or for some other reason, he had rushed to the press. If however Mr. Reddy did not do so, the speaker felt that the President would have to give a ruling calculated to safeguard the dignity of the House and its members.

Mr. K. CHENGALARAYA REDDY, at this stage, interjected that it would have been better if Mr. A. N. Rama Rao who had read out a past ruling by Dewan Sir Mirza M. Ismail, had also read out what Mr. D. V. Gundappa stated in reply.

The PRESIDENT informed the House that he would summarise his own view of the matter on Monday, 13th October.

The House rose at 4-30 p.m., to meet again at twelve of the clock on Monday, 13th October.